

## Office of Professional Accountability (OPA) Commendations & Complaints Report November 2005

### Commendations:

Commendations Received in November: 58

Commendations Received to Date: 414

Name	Summary
<b>Abraham, John</b> <b>Alcayaga, Isabelo</b> <b>Bailey, Harry</b> <b>Belshay, Richard</b> <b>Bernasconi, John</b> <b>Brakebill, James</b> <b>Clark, Robin</b> <b>Crooks, Daniel</b> <b>Edwards, William</b> <b>Garcia, Robert</b> <b>Henry, Michael</b> <b>Kessler, Joe</b> <b>Miller, Daniel</b> <b>Navarrette, Mario</b> <b>Nolan, Michael</b> <b>Paulsen, Steven</b> <b>Robinson, Randall</b> <b>Smith, Donald</b> <b>Williams, Joel</b> <b>Wilson, Ronald</b>	Twenty sworn officers were thanked and commended for their assistance and for the coordination of public safety issues that surround the Seafair Festival. This made it a successful 2005 Seafair.
<b>Allen, Danny</b>	The officer was commended for his work performance. He was helpful, patient and kind.
<b>Allen, John</b> <b>Elliott, Scott</b> <b>Gunderson, Carrie</b>	A stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Three officers were commended for their quick response.
<b>Ameden, Steve</b> <b>Leung, Sekfai</b> <b>Nolan, Michael</b>	A letter of appreciation was sent to a lieutenant and two sergeants recognizing them for their escort service during a parade and the safety that they ensured with the members of the parade.
<b>Andre, Kathryn</b> <b>Omelanchuck, R.</b> <b>Osburn, Glenn</b> <b>Russey, Michael</b> <b>Shin, Jay</b> <b>Sideris, Vasilios</b> <b>Toth, Michael</b>	On Friday, October 14, 2005, five students from the North Idaho College Law Enforcement Program participated in a ride-along with the department. A letter of thanks was received by the officers and sergeant for their gracious assistance. They were professional and role models for the students.
<b>Barnes, Timothy</b> <b>Elias, Ella</b>	A letter of appreciation was received by two officers for their safe handling of an eviction notice to tenants of an apartment complex. Officers handled it in a professional and safe manner.
<b>Barnes, Timothy</b> <b>Brenton, Timothy</b> <b>Britt, James</b> <b>Digalis, Teresa</b> <b>Nadell, Stephen</b> <b>Rice, Steven</b> <b>Weaver, Thomas</b>	Three reported stolen vehicles equipped with silent alarms were tracked and recovered within minutes of activation. Seven officers were commended for their quick response.

<b>Carver, Leonard Devore, Timothy Spong, Jennifer</b>	A letter was received commending three detectives for their work in the Andress Homicide Unit. Their hard work, investigative skills and enthusiasm made the prosecutions a success. The detectives surpassed expectations.
<b>Carver, Leonard</b>	A thank you letter was received by the detective commending him for his work on a domestic violence homicide case. His diligence, professionalism and expertise are what brought this case to a successful conclusion.
<b>Ellis, Elizabeth</b>	A letter of appreciation was received by two officers for their safe handling of an eviction notice to tenants of an apartment complex. Officers handled it in a professional and safe manner.
<b>Gracy, Paul</b>	A note of thanks was received by the officer for his speech at a Parent Teacher Club meeting.
<b>Hardgrove, Donald Kinner, Gary</b>	A letter of appreciation was received by two detectives for their assistance in a case that involved child support.
<b>Kibbee, Todd Ward, Randal</b>	A thank you note was received by officers for their response to a noise incident.
<b>Lee, Pablo</b>	Kudos went to the officer for his excellent job compiling all of the victim and witness statements, collecting evidence and writing a clear and concise report.
<b>Letizia, Michele</b>	While responding to a call, the officer was thanked for his courteous, professional, responsible and reasonable interaction with a citizen.
<b>Magan, John</b>	A note of gratitude was received by the officer for his compassion, caring and sincere dedication to his chosen profession. The officer made arrangements to have a self locking device removed so that the citizen could drive back home to Canada instead of having to come back to retrieve his vehicle.
<b>Minor, Victor</b>	The officer received a note of appreciation from a couple who got lost in the city. They were able to attend a wedding on time.
<b>Washington, M.</b>	The officer was commended for his involvement in arresting a suspect in a shooting. With very little descriptive information, the officer was able to locate the suspect some distance from the original call and arrest him.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## November 2005 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### VIOLATIONS OF RULES/REGULATIONS/LAWS

Synopsis	Action Taken
It was alleged that the named employee committed a variety of acts of misconduct, including use of illegal drugs, association with criminals, misusing his authority, providing confidential information to people outside the department, and using department time and resources for the pursuit of personal interests.	A thorough administrative investigation was conducted. It was determined that, while employed as a patrol officer with the Department, the employee had engaged in conduct unbecoming an officer and had discredited himself, the Department, and the profession. Finding as to Multiple Offenses–SUSTAINED.

### CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
It was alleged that the named employee violated Department policy by disclosing the identity of a confidential informant.	The named employee had two contacts on the street with an individual he claimed was threatening him and attempting to bribe him. The named employee confirmed the subject's identity and wrote and disseminated an incident report internally. The evidence established that the named employee had reason to believe the individual was a confidential informant, and therefore he should have used different methods to report their encounters. Finding–SUSTAINED.
The named employee, a supervisor, was alleged to have engaged in unprofessional conduct by making inappropriate statements to a subordinate officer who was a witness in a potential criminal investigation involving SPD employees.	The investigation established that inappropriate comments were made. Though made in a joking manner, the comments showed disdain for the investigative process, had the potential to intimidate witnesses, and/or interfere with an investigation, and made the recipient of the remarks uncomfortable. Finding–SUSTAINED.
It was alleged that the named employee used her authority to interfere in a civil dispute between two individuals.	The named employee was off-duty when she went to a horse training facility outside the city limits. She identified herself as an officer and attempted to remove two horses for her friend, a party to a civil dispute over the horses. This was an inappropriate use of her authority and reflected badly upon the Department. Finding–SUSTAINED.
Complainant alleged the named employee made derogatory remarks during a contact for a pedestrian violation. Complainant also alleged the named employee	The complainant was contacted for standing in the street. Words were exchanged between officers and the complainant, and the officer made a derogatory remark to the complainant. Finding–SUSTAINED.  The evidence showed that no force was used other than the

used unnecessary force by placing the handcuffs on too tightly.	handcuffing applied to a not resistive but not cooperative subject. Finding–EXONERATED.
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## November 2005 Cases Selected for Mediation:

*Cases described below were referred for mediation.*

The complaint alleged that the named employee made fun of her, yelled at her and rolled his eyes at her. She further alleged that when she “stood up for herself,” the officer wrote her a ticket in retaliation.

### Definitions of Findings:

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

### Referred for Supervisory Resolution.

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

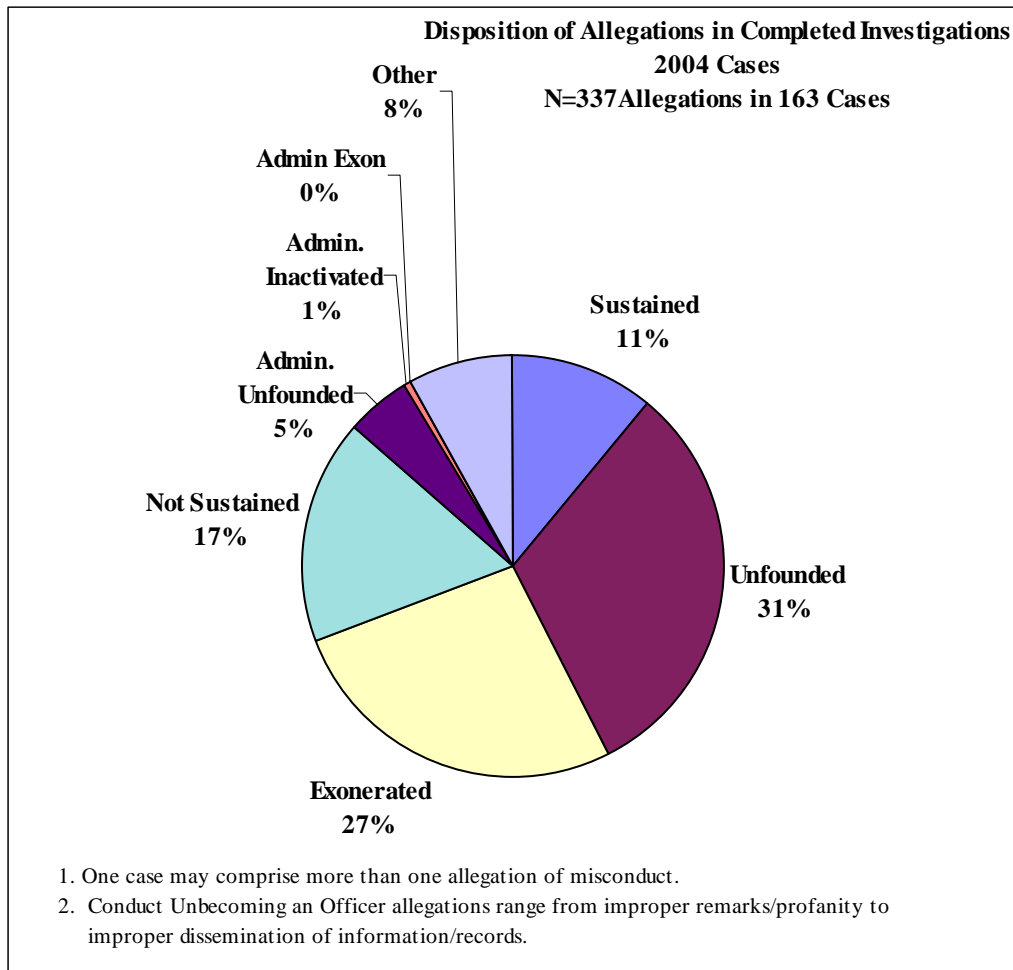
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date: 2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	20	163*
Commendations	41	702

\*includes 2004 cases closed in 2005



## 2005 Contacts

	Nov 2005	Jan-Dec 2005
Preliminary Investigation Reports	34	292
Cases Assigned for Supervisory Review	10	71
Cases Assigned for Investigation (IS;LI)	9	203
Commendations	58	414